

**NINTH DAY.**

Senate Chamber,  
Austin, Texas,  
September 25, 1931.

The Senate met at 9:10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Berkeley. Pollard.

Prayer by the Rev. A. W. Jones of Llano.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senators Pollard, Patton, and Parrish.

S. B. No. 49, A bill to be entitled "An Act to provide for the organization of purely cooperative petroleum marketing associations, defining their rights, duties and policies, and prescribing who may organize such marketing associations, prescribing the powers that may be exercised by such marketing associations under this Act; prescribing who may become members of such marketing associations; prescribing what shall be contained in the Articles of Incorporation; providing for amendments to the Articles of Incorporation; pro-

viding for by-laws and the powers under such by-laws; providing for the meetings of members of any association organized under this Act, and prescribing the way and manner in which officers and directors of such corporations may be elected; prescribing for membership certificates and their issuance, and also the liability of members under the Articles of Incorporation and limiting the transferring of membership certificates, etc., and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Purl and Hardin:

S. B. No. 50, A bill to be entitled "An Act to amend Article 773 of the Revised Penal Code of 1925 of the State of Texas, so as to make the provisions of said bill apply to optometrists and to re-enact Article 774 of the Revised Penal Code of 1925, of the State of Texas; and declaring an emergency."

Read and referred to Committee on Public Health.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 64, A bill to be entitled "An Act amending Senate Bill No. 246, Chapter 285, by readjusting, reducing and reapportioning appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years, beginning September 1, 1931, and ending August 31, 1933, as follows, to-wit: etc., and declaring an emergency."

H. B. No. 69, A bill to be entitled "An Act to amend Article 5139, of the Revised Civil Statutes of 1925, of Texas, providing for a juvenile board in all counties having a population of one hundred thousand or over according to the preceding Federal census and fixing the salaries of the members of said board, so as to provide that the commissioners' court may fix the said salaries up to fifteen hundred dollars per annum."

Adopted:

House Simple Resolution, Requesting the return of H. B. No. 44 to the House for further consideration.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 13. The following are conferees on the part of the House:

Vaughan, Savage, Anderson, Jones of Atascosa, Hughes.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 80, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school, school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1931, providing said taxes are paid by January 1, 1932; declaring a State policy and the existence of a public calamity; repealing all laws in conflict herewith; and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Message From the Governor.

Executive Office,  
Austin, Texas, Sept. 25, 1931.  
To the Members of the Forty-second Legislature:

I herewith submit to you the subject of cooperative marketing of unrefined natural petroleum and its distribution.

It has been suggested that if a law patterned after the law regulating cooperative marketing of cotton was

passed it would greatly aid in the elimination of speculation and waste, and would possibly stabilize marketing problems of the producer of unrefined natural petroleum.

I trust that you will give this subject your careful consideration.

Respectfully submitted,  
R. S. STERLING,  
Governor.

#### Senators Excused.

The following senators were excused for today and tomorrow on account of important business:

Senator Berkeley, on motion of Senator Rawlings.

Senator Pollard, on motion of Senator Woodul.

Senator Stevenson, on motion of Senator Martin.

#### At Ease.

At 10:05 o'clock a. m., the Senate stood at ease subject to the call of the Chair.

#### In Session.

The Senate was called to order at 10:15 o'clock a. m., by Lieutenant Governor Edgar E. Witt.

#### House Bills Referred.

H. B. No. 64, referred to Committee on Finance.

H. B. No. 69, referred to Committee on Finance.

H. B. No. 80, referred to Committee on Finance.

#### Bills Signed.

The Chair, Lieutenant Governor E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolution.

H. B. No. 9.

H. C. R. No. 26.

#### Motion to Re-refer.

On motion of Senator Moore, S. B. No. 46 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Civil Jurisprudence.

#### S. C. R. No. 13.

Senator Oneal sent up the following resolution:

Whereas, The Second Called Ses-

sion of the Forty-second Legislature has completed the legislation for which it was primarily called, and;

Whereas, The financial condition of the State demands economy in its administration,

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring:

That the Second Called Session of the Forty-second Legislature stand adjourned sine die at 6 o'clock p. m. Monday, September 28, 1931.

ONEAL,  
POAGE,  
GREER,  
PARR.

The resolution was read.

Senator Purl raised the point of order that this resolution was out of order because another sine die resolution was now on the table subject to call.

The Chair, President Pro Tem Thomason, overruled the point of order.

Senator Oneal moved to lay the resolution on the table subject to call. The motion was lost by the following vote:

Yeas—11.

Cunningham.	Oneal.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Loy.	Woodruff.
Moore.	

Nays—14.

Cousins.	Patton.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Martin.	Williamson.
Neal.	Woodul.
Parr.	Woodward.

Absent.

Beck.	Holbrook.
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Absent—Excused.

Berkeley.	Pollard.
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(Pair Recorded.)

Senator Parrish (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

Senator Purl sent up the following amendment:

Amend sine die resolution No. 13 by striking out Monday, September 28, 1931, 6 p. m., and insert in lieu thereof the following: "Wednesday, September 30, 1931, 6 p. m."

PURL.

The amendment was read and lost by the following vote:

Yeas—13.

Beck.	Moore.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Small.
Hornsby.	Woodruff.
Loy.	

Nays—14.

Cousins.	Parr.
Greer.	Patton.
Holbrook.	Russek.
Hopkins.	Thomason.
Martin.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Berkeley.	Pollard.
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(Pair Recorded.)

Senator Rawlings (present) who would yea, with Senator Stevenson (absent) who would vote nay.

Senator Purl raised the point of order that it was out of order to pair on a vote on sine die resolution.

The Chair, President Pro Tem Thomason, overruled the point of order.

Senator Purl sent up the following amendment:

Amend sine die resolution No. 13 by striking out Monday September 28, 1931, 6 p. m. and insert in lieu thereof the following: "Tuesday, September 29, 1931, 6 p. m."

PURL.

The amendment was read and adopted by the following vote:

Yeas—13.

Cunningham.	Moore.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Small.
Hornsby.	Woodruff.
Loy.	

## Nays—12.

Cousins.	Parr.
Holbrook.	Russek.
Hopkins.	Thomason.
Martin.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Berkeley.	Pollard.
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(Pair Recorded.)

Senator Beck (present) who would vote yea, with Senator Patton (absent) who would vote nay.

Senator Rawlings (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

The resolution as amended was adopted by the following vote:

## Yeas—25.

Beck.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

## Nays—2.

Gainer.	Thomason.
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## Absent—Excused.

Berkeley.	Pollard.
Patton.	Stevenson.

## Executive Session.

At 11:55 o'clock a. m., the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

## After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken.

## Committee Room,

Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

We, your Committee on Governor's Nominations, to whom was referred

the following nomination of the Governor, beg leave to report that we have considered the appointee recommended by the Governor, and recommend that the appointment of the following named person for the following named position be in all things confirmed:

Texas Commissioner of the Rio Grande Compact Commission, Hon. R. F. Burges of El Paso, Texas.

WOODUL, Vice-Chairman.

Adopted.

## Recess.

On motion of Senator Williamson, the Senate, at 11:58 o'clock a. m., recessed until 2 o'clock p. m.,

## After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

## House Bill No. 44.

The Chair laid before the Senate the following bill:

H. B. No. 44, A bill to be entitled "An Act to amend Chapter 47, of the Acts of the First Called Session of the Forty-first Legislature, as amended by Chapter 140 of the Acts of the Regular Session of the Forty-second Legislature, so as to provide that neither said act nor said act so amended shall apply to nor affect any county in this State which is subject to the provisions of Chapter 82 of the General and Special Laws of the Regular Session of the Fortieth Legislature, being Senate bill No. 375 of said Session, published on page 124 of said laws, and to validate all consolidations of school districts and other acts of the county board of school trustees of all counties subject to the provisions of said Chapter 82, heretofore consummated or performed; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report carrying amendments was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 44 was put

on its third reading and final passage, by the following vote:

## Yeas—27.

Beck.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

## Absent—Excused.

Berkeley.	Small.
Pollard.	Stevenson.

Read third time and finally passed.

## Senate Bill No. 43.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 43, A bill to be entitled "An Act amending Chapter 286, General Laws, Forty-second Legislature, at page 678, printed laws thereof, by striking therefrom restrictions on State auditor's use of appropriation made for oil and gas royalty audit, and declaring an emergency."

Read second time.

Senator Woodward sent up the following amendments:

Amend S. B. No. 43, by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. That the following paragraph of Chapter 286, General Laws, Regular Session, Forty-second Legislature, appearing at page 678, printed General Laws, Regular Session, Forty-second Legislature, dealing with manner of payment of funds appropriated for the oil and gas royalty audit, and reading as follows:

"The aforesaid appropriation of \$40,000.00 in each column shall be paid by the proper authority out of available funds accruing to the school fund, the University and other funds so audited to the extent that such appropriated funds are so used in auditing each, to be certified by the Auditor."

Be, and the same is hereby amend so as to hereafter read as follows:

"The aforesaid appropriation of \$40,000.00 in each column shall be paid, where not prohibited by the Constitution or by General law, out of the available funds accruing to each of the permanent and other funds so audited, in the proportion that this appropriation is so used in auditing each."

Sec. 2. The fact that the Available School Fund is a Constitutional Fund and various Attorneys General have held that the Legislature has no power to appropriate any part of said fund for such purposes, and that a former Attorney General has also held that there is grave doubt as to the authority of the Legislature to appropriate any part of the Available University fund for this purpose, that said doubt and confusion has hampered said work and threatens to disrupt and entirely stop said work, to the great injury and loss of the State and the Permanent School Fund, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read upon three several days in each House, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

WOODWARD.

Read and adopted.

Amend S. B. No. 43 by striking out all above the enacting clause and inserting in lieu thereof the following:

## A BILL

## To Be Entitled

An Act amending that part of Chapter 286 General Laws, Forty-second Legislature, at page 678, printed laws thereof, dealing with manner of payment of the \$40,000.00 oil and gas royalty audit appropriation, and declaring an emergency.

WOODWARD.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 43 was put

on its third reading and final passage, by the following vote:

**Yeas—27.**

Beck.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Pussek.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

**Absent—Excused.**

Berkeley.	Small.
Pollard.	Stevenson.

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	neal.
Cousins	Parr.
Cunningham.	arrish.
DeBerry.	ttton.
Gainer.	Poage.
Greer.	url.
Hardin.	awlings.
Holbrook.	ussek.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

**Absent—Excused.**

Berkeley.	Small.
Pollard.	Stevenson.

**Messages from the House.**

Hall of the House of Representatives,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 74, A bill to be entitled "An Act making an emergency appropriation out of the funds belonging to the State Highway Department, not otherwise appropriated, for the purpose of paying the expenses necessary to carry out and

complete the provisions of House bill No. 688, Acts of the Forty-second Legislature, Regular Session, Chapter 79, page 121, and declaring an emergency."

H. B. No. 76, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary out of the General Revenue to pay the per diem and mileage of members; the per diem of officers and employees; and the contingent expense of the Second Called Session of the Forty-second Legislature of the State of Texas, convened on the 8th day of September, 1931, by proclamation of the Governor; to supplement the like appropriation of the Regular and First Called Sessions of said Legislature; to pay any unpaid vouchers of warrants held by members, officers, or employees of the Regular and First Called Sessions of said Legislature; etc., and declaring an emergency."

S. B. No. 33, A bill to be entitled "An Act relating to State warrants and to provide that certain State warrants shall draw interest after they are presented for payment and not paid, and to authorize the State Highway Commission to invest such portions of the State Highway Fund, as from time to time, may not be needed for immediate use, in State warrants drawn against the General Revenue Fund, provided that not more than three million dollars (\$3,000,000.00) shall be so invested at any one time, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

S. C. R. No. 13, Providing for sine die adjournment of the Second Called Session of the 42nd Legislature of the State of Texas.

The House has refused to concur in Senate Amendments to House Bill No. 44 and requests the appointment of a conference committee to adjust the differences between the

two Houses. The following are appointed on the part of the House:

McCombs, Coombes, Hughes, Savage and Holder.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 24.

Senator Parrish called up from the table the Conference Committee report on S. B. No. 24.

Senator Holbrook moved to indefinitely postpone the further consideration of the report. The motion was lost by the following vote:

#### Yeas—10.

Gainer.	Parr.
Greer.	Purl.
Holbrook.	Russek.
Martin.	Williamson.
Neal.	Woodul.

#### Nays—13.

Cunningham.	Oneal.
DeBerry.	Parrish.
Hardin.	Poage.
Hopkins.	Rawlings.
Hornsby.	Woodruff.
Loy.	Woodward.
Moore.	

#### Absent.

Beck.	Patton.
Cousins.	Thomason.

#### Absent—Excused.

Berkeley.	Small.
Pollard.	Stevenson.

The Conference Committee report was adopted by the following vote:

#### Yeas—14.

Beck.	Moore.
Cunningham.	Oneal.
DeBerry.	Parrish.
Gainer.	Poage.
Hardin.	Rawlings.
Hornsby.	Woodruff.
Loy.	Woodward.

#### Nays—10.

Cousins.	Neal.
Greer.	Parr.
Holbrook.	Purl.
Hopkins.	Russek.
Martin.	Thomason.

#### Absent.

Williamson.	Woodul.
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7—Jour. 2.

#### Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	

#### S. C. R. No. 10.

On motion of Senator Moore, S. C. R. No. 10 was laid on the table subject to call.

#### Senate Bill No. 38.

The Chair laid before the Senate the following bill:

By Senators DeBerry, Hardin and Williamson:

S. B. No. 38, A bill to be entitled "An Act for the purpose of releasing the interest and penalties of all State county, special school, school district road districts, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1931, provided said taxes are paid by January 1, 1932; declaring a state policy and the existence of a public calamity; repealing all laws in conflict herewith; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted. Read second time.

The Chair substituted for this bill H. B. No. 80 on the same subject.

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

The committee amendment was adopted.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 80 was put on its second reading, by the following vote:

#### Yeas—27.

Beck.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Oneal.
Holbrook.	Parr.

Parrish.  
Patton.  
Poage.  
Purl.  
Rawlings.  
Russek.

Thomason.  
Williamson.  
Woodruff.  
Woodul.  
Woodward.

Absent—Excused.

Berkeley.  
Pollard.

Small.  
Stevenson.

Read second time.

Senator DeBerry sent up the following amendment:

Amend H. B. No. 80 by amending the caption to conform with the body of the bill.

DeBERRY.

Read and adopted.

Senator Woodul sent up the following amendments:

Amend H. B. No. 80 by adding at the end of Section One thereof the following:

"Provided, however, a fee of five per cent shall be chargeable and collected on such delinquent taxes the same to be due and payable to the Tax Collector collecting such delinquent taxes as a fee of office, and accountable as such, and to cover the costs incident and necessary to the compliance with the provisions of this law."

WOODUL.

Read and lost.

Amend H. B. No. 80 by adding after Section One the following, and renumbering the following sections accordingly:

"Sec. No. 2. In order to meet the expenses necessary and incident to the compliance with this law, upon application of the tax collector of any county to the county commissioners' court of such county, said commissioners' court shall authorize the necessary expense to be incurred by the county tax collector and shall pay such expense upon presentation of properly prepared accounts duly approved by the county auditor, such payment to be made out of the general revenue fund of such county."

WOODUL.

Read and lost by the following vote:

Yeas—9.

Beck.  
Cousins.  
Holbrook.  
Martin.  
Neal.

Parr.  
Russek.  
Williamson.  
Woodul.

Nays—15.

Cunningham.  
DeBerry.  
Gainer.  
Hardin.  
Hornsby.  
Loy.  
Moore.  
Oneal.

Parrish.  
Poage.  
Purl.  
Rawlings.  
Thomason.  
Woodruff.  
Woodward.

Absent.

Greer.  
Hopkins.

Absent—Excused.

Berkeley.  
Patton.  
Pollard.

Small.  
Stevenson.

The bill was passed to third reading by the following vote:

Yeas—21.

Cunningham.  
DeBerry.  
Gainer.  
Hardin.  
Holbrook.  
Hornsby.  
Loy.  
Martin.  
Moore.  
Neal.  
Oneal.

Parr.  
Parrish.  
Poage.  
Purl.  
Rawlings.  
Russek.  
Thomason.  
Williamson.  
Woodruff.  
Woodward.

Nays—2.

Cousins.  
Woodul.

Absent.

Beck.  
Greer.  
Hopkins.

Absent—Excused.

Berkeley.  
Patton.  
Pollard.

Small.  
Stevenson.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 80 was put on its third reading and final passage, by the following vote:



## Yeas—26.

Beck.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

## Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	

Read third time and finally passed  
by the following vote:

## Yeas—23.

Beck.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodward.
Neal.	

## Nays—1.

Woodul.

## Absent.

Greer.	Hopkins.
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## Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	

## Message from the House.

Hall of the House of Representatives,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has adopted

House Simple Resolution request-  
ing the return of Senate Bill No.  
33 to the House for further consid-  
eration.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

## Conference Committee Report.

Senator Rawlings sent up the fol-  
lowing Conference Committee re-  
port:

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the  
Senate.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sirs, We your Conference Commit-  
tee on Senate Bill No. 13, have had  
same under consideration and have  
adjusted the difference between the  
House and Senate, and recommend  
the passage of the hereto attached  
bill, which is made a part of this  
report.

Respectfully submitted,

RAWLINGS,  
PURL,  
HOPKINS,  
WOODWARD,  
SMALL.

On part of the Senate.

VAUGHAN,  
HUGHES,  
ANDERSON,  
SAVAGES,  
JONES.

On part of the House.

## A BILL

## To Be Entitled

An Act to amend Article 7332, Chap-  
ter 10, Title 122, of the Revised  
Civil Statutes of Texas, 1925, as  
amended by the Act of the 41st  
Legislature passed at its Regular  
Session, and found in the pub-  
lished laws of said session, Chap-  
ter 143, Pages 307-8, and as  
amended by the Acts of the Fourth  
Called Session of the 41st Legis-  
lature, as the same appears in the  
published laws of said session,  
Chapter 20, Page 37, and as  
amended by the 42nd Legislature  
at its Regular Session as same ap-  
pears in the published laws of said  
session, Chapter 258, Page 428;  
providing for the filing of suits to  
collect delinquent taxes; providing  
for the fees of office for the va-  
rious officers herein named; and  
providing that the officers herein  
named shall not be entitled to the  
fees provided for herein in delin-  
quent tax suits until notice has  
been given to the owner for the  
time and in the manner provided

by law; to repeal all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7332, Chapter 10 of Title 122 of the Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Forty-first Legislature passed at its Regular Session and found in the published laws of said session, Chapter 143, Pages 307-8, and as amended by the Acts of the Fourth Called Session of the Forty-first Legislature, as the same appear in the published laws of said session, Chapter 20, Page 37, and as amended by the Acts of the Forty-second Legislature passed at its Regular Session and found in the published laws of said session, Chapter 258, Page 428, be so amended as to hereafter read as follows:

Article 7332. Other Fees. The County or District Attorney shall represent the State and County in all suits against delinquent taxpayers that are provided for in this Law, and all sums collected shall be paid over immediately to the County Collector.

Before filing suits for the recovery of delinquent taxes for any year, notice shall be given to the owner or owners of said property as is provided for in Article 7324 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 117, Page 196, Acts of the Forty-second Legislature, Regular Session. The fees herein provided for shall not accrue to nor shall the various officers herein named be entitled thereto in any suit unless it be proved that notice has been given to the owner for the time and in the manner provided by law.

In all cases, the compensation of said Attorney shall be Two (\$2.00) Dollars for the first tract and One (\$1.00) Dollar for each additional tract up to four (4), but said fee in no case to exceed Five (\$5.00) Dollars. And provided, that in any suit brought against any individual or corporate owner, all past due taxes for all previous years on such tract or tracts shall be included; and provided, further that where there are several lots in the same addition or subdivision delinquent, belonging to the same owner, all said delin-

quent lots shall be made the subject of a single suit.

Provided, however, that said officer shall not receive nor retain said fees in excess of the maximum compensation allowed said officer under the laws of this State.

The Sheriff or Constable of the county in which the suit is pending shall receive a fee of Two (\$2.00) Dollars in each case which will cover the service of all process, and the selling of the property and executing deeds for same. If, in any such suit, process is issued to be served in counties other than the one in which the suit is pending, the Sheriff or Constable serving the same shall receive a fee of One (\$1.00) Dollar in each suit for his services.

The District Clerk shall receive a fee of Two (\$2.00) Dollars in full for his services in each case.

The County Clerk shall receive One (\$1.00) Dollar in full for his services in each case.

Provided, that the fees herein provided for in connection with delinquent tax suits shall constitute the only fees that shall be charged by said officers for preparing, filing, instituting, and prosecuting suits on delinquent taxes and securing collection thereof, and all laws in conflict herewith are hereby repealed.

In case the delinquent tax-payer shall pay to the collector the amount of delinquent taxes for which he is liable, together with accrued interest after the filing of suit before judgment is taken against him in the case, then only one-half of the fees taxable in such a case, as provided for herein, shall be charged against him.

All fees provided for the officers herein shall be treated as fees of office and accounted for as such.

Sec. 2. All laws in conflict herewith are hereby repealed.

Sec. 3. The fact that the former Law, particularly in its amended form, has proved to be oppressive in its operation as applied to citizens generally and more especially those of the poorer class, and has led to piling up swollen revenues in the hands of officers in the large counties, which abuses should not be further continued; and the further fact that Section 1 of Chapter 258, Page 428, Acts of the Regular Session of the Forty-second Legislature, con-

fllicts with Chapter 117, Page 196, Acts of the Forty-second Legislature with reference to the time and manner of giving notice to the delinquent tax-payer, which has resulted in much confusion among the several tax collecting agencies of this State, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days shall be suspended and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

**Yeas—26.**

Beck.	Neal.
Cous'ns.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

**Absent—Excused.**

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	

**Senate Bill No. 33.**

On motion of Senator Poage, the request of the House to have S. B. No. 33, returned for further consideration was adopted.

**Senate Bill No. 45.**

The Chair laid before the Senate the following bill:

By Senators Hornsby, Small and Neal:

S. B. No. 45, A bill to be entitled "An Act making appropriations to pay salaries and expenses of district judges in Judicial Districts Nos. One Hundred and Twenty-three (123) One Hundred and Twenty-four (124) and One Hundred and Twenty-six (126) and to pay salaries of Assistant District Attorney in the Forty-seventh (47) Judicial District for the two year period beginning September 1, 1931 and ending August 31, 1933 and to pay Blanket Warrants

issued by the State Comptroller to District Judges, District Attorneys, and Court Reporters for services rendered after the Acts creating their respective offices became effective, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

The bill was read second time.

Senator Purl sent up the following amendment:

Amend S. B. No. 45 by adding the following:

Sec. 1-A. It expressly directed that the item of \$10,000.00 to pay the salary of district judge in 126th Judicial District be eliminated from the provisions of S. B. No. 36 as appears in amendment, Senate Journal, page 187, September 24, 1931.

PURL,  
HORNSBY.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 45, was put on its third reading and final passage, by the following vote:

**Yeas—26.**

Beck.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

**Absent—Excused.**

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Cunningham.
Cousins.	Gainer.

Greer.	Parrish.
Hardin.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	

#### Senate Bill No. 34.

The Chair laid before the Senate the following bill:

By Senator Poage:

S. B. No. 34, A bill to be entitled "An Act requiring all public warehouse men to issue receipts, containing in addition to the information now required by Article 5570, of the Statutes of this State, a statement of the class and sample of the cotton represented by the receipt, said class and staple to have been determined by a public cotton classer, licensed as required by law, prescribing the fees that may be charged for such information; providing for temporary receipts in certain cases; providing for the exchange of such temporary receipts; and providing penalty and forfeiture of certificate for neglectful failure to carry out the provisions of this Act; and declaring an emergency."

Read second time.

Senator Poage sent up the following amendment:

Amend S. B. No. 34, page 1, line 21, by inserting after the word "cotton" and before the words "issue" the following: "and upon the request of the owner of such cotton said warehouseman shall."

POAGE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 34 was put

on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—1.

Holbrook.

Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Oneal.
Cousins.	Parr.
Cunningham.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Hopkins.	Russek.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—2.

Holbrook. Woodruff.

Present—Not Voting.

DeBerry.

Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	

#### Consent to Set Special Order.

Senator Woodruff received consent to set S. B. No. 25 as special order tomorrow at 11:50 o'clock a. m.

#### Senate Bill No. 50.

The Chair laid before the Senate the following bill:

By Senators Purl and Hardin:

S. B. No. 50, A bill to be entitled "An Act to amend Article 773 of the Revised Penal Code of 1925, so as to make the provisions of said bill apply to optometrists, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 50 was put on its second reading by the following vote:

**Yeas—26.**

Beck.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

**Absent—Excused.**

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	

The bill was read second time and passed to engrossment.

On motion of Senator Hardin the constitutional rule requiring bill to be read on three several days was suspended and S. B. No. 50 was put on its third reading and final passage, by the following vote:

**Yeas—26.**

Beck.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

**Absent—Excused.**

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	

Read third time.

On motion of Senator Purl, the bill was laid on the table subject to call.

**Simple Resolution No. 23.**

Senator Hornsby sent up the following resolution:

Whereas, Mr. J. H. Kavanaugh, editor and publisher of the Round Rock Leader, one of the leading small-town weeklies in the State, has written some of the best articles on the cotton situation and cotton legislation; and

Whereas, He has favored the Senate with complimentary copies, and has today sent copies of the paper for distribution among the Senators containing an extremely forceful treatise on the recently passed cotton acreage reduction bill, in which article he points out the justification of opponents of the measure, who helped to strengthen it, although he is an ardent proponent of the bill; Therefore

Be It Resolved by the Senate of Texas, That in expression of our appreciation of these articles and the presentation of copies, this resolution be printed in the Senate Journal, and a copy thereof be mailed to Mr. J. H. Kavanaugh, of Round Rock, Texas.

**HORNSBY.**

Read and adopted.

**Messages From the House.**

Hall of the House of Representatives, Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered the vote by which S. B. No. 33 passed finally and passed finally S. B. No. 33 by a vote of 113 yeas and 10 nays.

S. B. No. 33, A bill to be entitled "An Act relating to State warrants and to provide that certain State warrants shall draw interest after they are presented for payment and not paid, and to authorize the State Highway Commission to invest such portions of the State Highway Fund, as from time to time, may not be

needed for immediate use, in State warrants drawn against the General Revenue Fund, provided that not more than three million dollars (\$3,000,000.00) shall be so invested at any one time, and declaring an emergency."

Respectfully submitted,  
 LOUISE SNOW PHINNEY,  
 Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
 Austin, Texas, Sept. 25, 1931.  
 Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 80 by a vote of 105 yeas and 8 nays.

The House has failed to engross by a vote of 46 yeas and 57 nays:

H. B. No. 29, A bill to be entitled "An Act requiring that all ginner, cotton yard operators, and public warehousemen, as defined by the laws of this State, shall upon the request of the owner of any cotton held or possessed by such ginner, cotton yard operators or public warehousemen, draw samples of said cotton and send same to the State Department of Agriculture for classification; authorizing the Commissioner of Agriculture to employ public cotton classers licensed as required by law; authorizing the Commissioner of Agriculture to issue certificates showing grade and staple of samples of cotton and to prescribe such forms of reports and records and to do such other things as he may deem proper for carrying out the purposes of this law; providing for co-operation with the United States Department of Agriculture and the A. and M. College; appropriating fifty thousand and no/100 (\$50,000) dollars; providing penalties, and declaring an emergency."

The House has failed to pass to engrossment by a vote of 42 yeas and 67 nays:

H. B. No. 38, A bill to be entitled "An Act to amend Section 7, Chapter 163, of the General Laws of the State of Texas, passed by the Forty-second Legislature at its Regular Session, 1931, relating to the issuance of bonds and warrants by cities and counties, so as to authorize the issuance of notes, bonds or treasury warrants for funding the existing legal indebtedness of counties or cities

without notice of a referendum vote; validating all bonds heretofore authorized pursuant to said Chapter 163, the records or transcripts of which have been approved by the Attorney General; validating the authorization and issuance of all funding and refunding bonds heretofore authorized by orders of the commissioners courts or the ordinances of the governing bodies of cities or towns made and entered pursuant to said Chapter 163, and providing for their issuance; enacting provisions incident and necessary to the subject and purpose of this act, and declaring an emergency."

Respectfully submitted,  
 LOUISE SNOW PHINNEY,  
 Chief Clerk, House of Representatives.

#### Simple Resolution No. 27.

Senator Gainer sent up the following resolution:

Whereas, The McFarlan Farm on the Trinity River has been offered to the State as a gift, and

Whereas, The House of Representatives has failed to act favorably upon a concurrent resolution by the Senate and

Whereas, The A. & M. College would appreciate this donation; therefore, be it

Resolved, That the President of the Senate of Texas do appoint a committee of three to investigate the possibilities of this offer and that the expense of same be paid out of the Contingent Fund.

GAINER.

Read and adopted.

#### Letter Ordered Printed.

On motion of Senator Hopkins the following letter was ordered printed in the Journal:

September 25, 1931.  
 Governor R. S. Sterling,  
 Capitol.

Dear Governor Sterling:

I observe in the press this morning that you take to task certain members of the Senate who voted against salary reduction bills, and referred particularly to the statement which I had previously made that I would vote for some reductions, and then voted against the bills later.

My reasons for so voting were stated in the Senate Journal of

September 24th, as follows:

"I vote 'nay' on all bills proposing reduction of salaries of State employees at this time for the reason that to do otherwise would be in contravention of the State and Federal Constitutions; both of which prohibit the violation of contractual obligations. Nearly all of the State employees are serving under contracts. See 112 Texas, 222; 111 Texas 111, 103 U. S. 5; 2 Brockenbrough 96; 104 Texas 191; 11 L. R. A. 370; 92 Texas 80; 14 Wall. 203; 114 U. S. 269; 4 Wall. 535. By the cases cited I am convinced that these salaries cannot be cut in the manner proposed as much as I would like to bring about some retrenchments at the moment."

It was my intention to vote for some reduction, but before the vote came up, I had occasion to make a careful study of the constitutional provisions and inhibitions against such procedure, and was thoroughly convinced at the time I cast my vote that such would be against both the spirit and the letter of the State and Federal Constitutions, where, in the first article of each of these Constitutions, the legislative bodies of the state and nation are prohibited from passing any law which would tend to abrogate the right of contract. Inasmuch as more than seventy-five per cent of all of the employees are rendering service to the State under contract, no law that we could pass could, in my judgment, based upon the cases cited above, invalidate or change the present salaries of these State employees.

It is true that where the salaries of State officers are fixed by law, they may be changed by law, but very few of these salaries are fixed by law, but most of them are made and entered into under contract with the several departments of the State government. These contracts can not be changed by law, and any statute attempting to modify them or to withdraw or lessen the appropriations already made to satisfy them is clearly unconstitutional and void.

I draw your particular attention, to substantiate this statement to the case of Johnson, Tax Collector, vs. Smith, 112 Texas 222, wherein the State Supreme Court held that when the State becomes a party to a con-

tract with a citizen, the same law applies to it as under like conditions covering contracts of individuals.

This holding is also sustained in Anderson vs. Robison, Commissioner, 11 Texas 402; Bristoe vs. Blum, 92 Texas 80; Jumbo Cattle Company vs. Bacon and Graves, 79 Texas 5; all of them holding that the State has no more right to "shave" its contracts than has an individual.

A noted case, approved by the Supreme Court of the United States, is Butler vs. University Regents, 32 Wis. 124, and Hall vs. Wisconsin, 103 U. S. 5. In both of these cases the Supreme Court of the United States said that a contract between a state and an individual whereby he is to perform certain services for a state department for a specified period at a stipulated compensation, is within the protection of the Constitution, and that the contract could not be affected in any manner by a subsequently enacted statute.

This position was sustained by no lesser lawyer than Chief Justice Marshall, who presided as Chief Justice of the United States in the early days of our history, when he said:

"Although an office is an employment it does not follow that every employment is an office. A man may certainly be employed under contract, express or implied, to perform a service without becoming an officer."

The position here stated by Chief Justice Marshall undoubtedly applies to all officers and instructors in our state educational institutions, and in like manner to practically all of the employees in the various departments of the State government.

I could go on at length and cite many other cases which I have found, and reasons given for sustaining this position.

I had wanted to vote for these reductions and stated to you, as you will remember, that I would be glad to do so, if the subject was submitted by you to the Legislature for consideration. At the time I made this statement, I had not had occasion to look into the legality of such procedure, and confined my thought to the necessity of bringing about economies in the State government in these stressed times, but when afterwards, I made a careful

study of the proposition and was convinced that it could not be constitutionally effected at the moment, I could do nothing except to follow the Constitution and the law in casting my vote.

The criticism as to me in casting this vote can only rest on the fact that I made a hasty statement in the beginning without going thoroughly into the legality of such procedure. I accept the criticism on this score, but feel justified in casting my vote as I did rather than violate my oath of office in sustaining the laws and Constitution of the land.

Assuring you that it is always my pleasure to assist you in serving the State as best I can so far as the laws and Constitution will permit me to do so, and with highest personal regards, I am,

Yours very truly,  
T. J. HOLBROOK,  
Senator 17th District.

S. C. R. No. 10.

Senator Moore called up from the table:

S. C. R. No. 10, Relating to use of manual labor on highway projects.

Senator Poage sent up the following amendment:

Amend S. C. R. No. 10 by adding after the last word thereof the following: "and said Commission is also requested to give preference to Texas contractors as against out of State contractors in the letting of all highway contracts."

POAGE.

The amendment was read and adopted.

The following amendments were sent up for consideration:

Amend the Moore resolution by adding the following after paragraph one of the resolving clause:

"and be it resolved further that all two-row cultivators, farm tractors, four mule teams and power machinery now used on farms be abandoned and man-power and ox teams be used in lieu thereof in agricultural pursuits in Texas."

WOODRUFF.

The amendment was read.

They are also directed to purchase 500 yokes of oxen.

WOODUL.

The amendment was read.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 86 A bill to be entitled "An Act to amend Article 773 Revised Penal Code of 1925 of the State of Texas, so as to make the provisions of said bill apply to optometrists and to re-enact Article 774 of the Revised Penal Code of 1925, of the State of Texas; and declaring an emergency.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Committee Appointed.

The Chair announced the appointment of the following Senate committee authorized by S. C. R. No. 27:

Senators Gainer, Greer and Martin.

#### House Bill Referred.

H. B. No. 86 referred to Committee on Public Health.

#### Adjournment.

Senator Hopkins moved to adjourn until 10 o'clock Monday morning. The roll call showed the following present:

Yeas—10.

Cousins.	Parr.
Gainer.	Rawlings.
Holbrook.	Thomason.
Hopkins.	Williamson.
Neal.	Woodul.

Nays—9.

Greer.	Oneal.
Hardin.	Poage.
Hornsby.	Purl.
Martin.	Woodruff.
Moore.	

#### Absent.

Beck.	Parrish.
Cunningham.	Russek.
DeBerry.	Woodward.
Loy.	

#### Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Pollard.	



Senator Purl raised the point of order that a quorum was lacking.

The Chair sustained the point of order.

Senator Woodul moved a call of the Senate to obtain and maintain a quorum until the question of adjournment was disposed of. The call was ordered by the following vote:

## Yeas—10.

Cousins.	Neal.
Gainer.	Parr.
Greer.	Thomason.
Holbrook.	Williamson.
Hornsby.	Woodul.

## Nays—6.

Hardin.	Poage.
Martin.	Purl.
Moore.	Woodruff.

## Absent.

Beck.	Loy.
Berkeley.	Oneal.
Cunningham.	Parrish.
DeBerry.	Rawlings.
Hopkins.	Russek.

## Absent—Excused.

Patton.	Stevenson.
Pollard.	Woodward.
Small.	

Senator DeBerry was excused from the call on account of sickness, on motion of Senator Poage.

Senator Purl called for the enforcement of Rule No. 92.

Senator Oneal moved to suspend the call. The motion was lost by the following vote:

## Yeas—6.

Martin.	Poage.
Moore.	Purl.
Oneal.	Woodruff.

## Nays—12.

Cousins.	Loy.
Gainer.	Neal.
Greer.	Parr.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Woodul.

## Absent.

Beck.	Parrish.
Cunningham.	Rawlings.
Hopkins.	Russek.

Small.  
Stevenson.

Woodward.

## Absent—Excused.

Berkeley.	Patton.
DeBerry.	Pollard.

Senator Hardin moved to recess until 10 o'clock tomorrow morning.

Senator Woodruff moved to adjourn until 10 o'clock tomorrow morning.

Senator Purl raised the point of order that the Senate could not recess but must adjourn.

The Chair, Lieutenant Governor, Edgar E. Witt sustained the point of order.

The motion to adjourn until tomorrow prevailed by the following vote:

## Yeas—10.

Gainer.	Moore.
Hardin.	Oneal.
Holbrook.	Poage.
Loy.	Purl.
Martin.	Woodruff.

## Nays—8.

Cousins.	Parr.
Greer.	Thomason.
Hornsby.	Williamson.
Neal.	Woodul.

## Absent.

Beck.	Russek.
Cunningham.	Small.
Hopkins.	Stevenson.
Parrish.	Woodward.
Rawlings.	

## Absent—Excused.

Berkeley.	Patton.
DeBerry.	Pollard.

At 6:29 o'clock p. m., the Senate adjourned.

## APPENDIX.

## Petitions and Memorials.

(Telegram.)

Houston, Texas, Sept. 25, 1931.

Senator Walter Woodul:

Am informed probability immediate passage act extending time payment nineteen thirty taxes to December 31. Call your attention to

fact that interest on county and navigation bonds cannot be met unless taxes collected in sum of seventy five thousand due in October or unless Legislature passes bill giving authority borrow funds for that purpose. Also fees tax collector exhausted and unless provision made for him unable determine how his department will function remainder of year. County has advanced all funds possible under present law. Not critical of legislation but provision should be made prevent default payment of interest by county and navigation district and financing tax collector.

W. L. WASHBURN.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 33, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 24, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 13, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 43, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 24, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 36, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 24, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 44, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 24, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 37, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,  
Austin, Texas, Sept. 24, 1931.  
Senate.

Hon. Edgar E. Witt, President of the Senate.  
Sir: We, your Committee on Engrossed Bills, have had S. B. No. 33, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 50, A bill to be entitled "An Act to amend Article 773 Revised Penal Code of 1925 of the State of Texas, so as to make the provisions of said bill apply to optometrists and to re-enact Article 774 of the Revised Penal Code of 1925, of the State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BECK, Vice-Chairman.

## (Majority Report.)

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred

S. B. No. 39, A bill to be entitled "An Act to provide for the necessary enlargement and rehabilitation of the vaults and safes in the office of the State Treasurer so as to insure the safe keeping of the bonds and other securities required to be deposited with the State Treasurer or with any other state official in the State Capitol at Austin, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BECK, Chairman.

## (Minority Report.)

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 39, A bill to be entitled "An Act to provide for the necessary enlargement and rehabilitation of the vaults and safes in the office of the State Treasurer so as to insure the safe keeping of the bonds and other securities required to be deposited with the State Treasurer or with any other state official in the State Capitol at Austin, and declaring an emergency."

Beg to differ with the majority and report it back to the Senate with the recommendation that it do pass, and be not printed.

PURL,  
HARDIN.

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 43, A bill to be entitled "An Act amending Chapter 286, General Laws, Forty-second Legislature, at page 678, printed laws thereof, by striking therefrom restrictions on State Auditor's use of appropriation

made for oil and gas royalty audit, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BECK, Chairman.

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 45, A bill to be entitled "An Act, making appropriations to pay salaries and expenses of District Judges in Judicial Districts numbers One Hundred and Twenty-three (123), One Hundred and Twenty-four (124) and One Hundred and Twenty-six (126) and to pay salaries of Assistant District Attorney in the Forty-seventh (47th) Judicial District for the two year period beginning September 1, 1931 and ending August 31, 1933 and to pay Blanket Warrants issued by the State Comptroller to District Judges, District Attorneys and Court Reporters for services rendered after the Acts creating their respective offices became effective, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BECK, Chairman.

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 61, A bill to be entitled "An Act amending Senate Bill No. 17, Chapter 95, Acts of the Regular Session of the 42nd Legislature by readjusting and reducing appropriations with relation to the payment of the salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two year period, beginning September 1, 1931, and ending August 31, 1933; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass with the following committee amendments, and be not printed.

BECK, Chairman.

Amend H. B. No. 61 by striking out of Section 1, where they first appear, the words "to pay the salaries of Judges, and"

And by striking out the figures beginning with the words, "Court of Civil Appeals—First District" down to and including all items for "State Attorney before Court of Criminal Appeals;"

And by striking out all items beginning with "transcript in cases where court is required and does appoint attorney to represent defendant in criminal action, and where official reporter is required and does furnish defense attorney with transcript of his notes as is provided by law," down to Section 2 of the bill;

And by striking out the figures "\$700,000.00" wherever they appear under "Judiciary—Comptroller's Department" and inserting in lieu thereof the figures "\$650,000.00" in each column;

And by striking out the figures "\$300,000.00" wherever they appear in the "Judiciary—Comptroller's Department" and inserting in lieu thereof the figures "\$250,000.00" in each column;

And by striking out the figures "\$125,000.00" wherever they appear in the "Judiciary—Comptroller's Department" and inserting in lieu thereof the figures "\$100,000.00" in each column;

And by amending the caption to conform.

Committee Room,

Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 22

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLIAMS, Chairman.

Committee Room,

Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 80, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, County, Special School, School District, Road District, Levee Improvement District, Irrigation District taxes and taxes of other defined sub-divisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1931, providing said taxes are paid on or before January 31, 1932; declaring a State Policy and the existence of a public calamity; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be not printed.

BECK, Chairman.

Amend Section 2 of H. B. No. 80 by striking out all of said Section and inserting in lieu thereof the following:

"All laws and parts of laws in conflict herewith are hereby expressly suspended during the term of this Act so far as they may affect this Act."

Committee Room,

Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 12, A bill to be entitled "An Act to allow farmers, agriculturists and producers of agricultural products in Texas to agree with each other and with the farmers and agriculturists of other states to reasonably limit the acreage that each shall plant in any given crop; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CUNNINGHAM, Chairman.

#### TENTH DAY.

Senate Chamber,

Austin, Texas,

September 26, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.